

SUMMARY MINUTES

Regular Meeting
Eugene Planning Commission
Sloat Room—The Atrium—99 West 10th Avenue

April 17, 2006
11:30 a.m.

PRESENT: Rick Duncan, Vice President; Jon Belcher, Randy Hledik, John Lawless, members; Mike Sullivan, *ex officio*; Steve Nystrom, Susan Muir, Kurt Yeiter, Planning and Development Department; Rob Handy, Charles Biggs, Rene Kane, Paul Conte, Carlos Barrera, Majeska Seese-Green, guests.

ABSENT: Mitzi Colbath, President, Phillip Carroll, Phillip Hudspeth, members.

PUBLIC COMMENT

I. PLANNING COMMISSION DISCUSSION: OPPORTUNITY SITING

II. ITEMS FROM COMMISSION AND STAFF

- A. Other Items from Staff**
- B. Other Items from Commission**

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Mr. Duncan convened the meeting of the Eugene Planning Commission.

PUBLIC COMMENT

Rene Kane, 254 West 17th Avenue, Eugene, Jefferson Westside Neighbors (JWN) co-chair, expressed concern about further degradation and destabilization of the neighborhood by ongoing construction of poorly designed and sited infill. She acknowledged that a reasonable degree of increased density was necessary and acceptable and urged that infill be required to respect the character, scale and context of the neighborhood, views and privacy for adjacent properties, and appreciate the importance of open space and unpaved surfaces. She said her comments reflected the position of the neighborhood association as expressed in motions at recent meetings.

Paul Conte, 1461 West 10th Avenue, Eugene, JWN co-chair, representative to the Neighborhood Leaders Council (NLC) and Churchill Area Families for a Healthy Neighborhood (CAFHN) Steering Committee submitted written testimony regarding opportunity siting. He said building neighborhood residents' trust that the City was acting in good faith would be the pivotal factor in determining whether any opportunity siting process succeeded. He indicated that the Jefferson Westside Neighbors association would decline to participate if the current opportunity siting proposal moved forward because the proposal recommended that implementation of infill standards be delayed or prohibited and rejected neighborhood input. He said the JWN and NLC expressed strong support for work on infill standards proceeding as a high priority in accordance with the City Council's direction. He indicated that CAFHN would withdraw its offer to launch opportunity siting in the Chambers area if the current proposal moved forward. He urged the commission to replace the current proposal with a more appropriate one that clearly recognized the urgent need to implement appropriate infill standards.

Charles Biggs, 540 Antelope Way, Eugene, said the first thing to consider with opportunity siting was doing no harm and secondly a process that gave equal empowerment in the land use decision through consensus that included the developer, City staff and neighbors. He said that endless land use decision appeals could be avoided by taking more time at the beginning of the process to reach agreement on what was acceptable.

Carlos Barrera, 2470 Olive Street, Eugene, Friendly Area Neighborhood Association co-chair, concurred with the previous speakers regarding opportunity siting. He was concerned about a proposal finding that neighborhood must be required to accept certain levels of density even if

that would result in further degradation of the neighborhood's stability and character. He said that directly contradicted existing land use and growth management policies and City Council direction to maintain the stability and character of established neighborhoods. He asked the commission to further study the proposal and consider NLC input. He referred to comments at a recent City Club meeting by Roxie Cuellar of the Homebuilders Association. He said Ms. Cuellar indicated one of the biggest problems with development in the City was polarization of different stakeholders and a process that allowed people to come to agreement would be successful.

Majeska Seese-Green, P.O. Box 11692, Eugene, Whiteaker Community Council, stated that the NLC position on opportunity siting should be seriously considered. She emphasized the importance of developing standards that protected the character of neighborhoods as soon as possible. She cited an example in the Whiteaker neighborhood of a development that was inconsistent with neighborhood character. She said that the developer was shocked at neighborhood reaction to a five-story building in an area of two-story homes as the proposed structure was consistent with current zoning and regulations. She said that opportunity siting and infill standards could have been helpful in that situation if they were in place.

Rob Handy, 455 ½ River Road, Eugene, NLC co-chair, read a motion approved by a vote of 11:1 at the March 28, 2006, NLC meeting urging the commission to assign a high priority to efforts to create effective standards to protect established neighborhoods' character and stability from the damaging, destabilizing impacts of inappropriate infill. Speaking from the perspective of the River Road Community Organization, he said the River Road neighborhood had its own heritage and elements that made it unique. He said that good growth could happen but standards should be in place to protect neighborhood qualities that needed to be preserved. He urged the commission to find a way to protect neighborhoods in conjunction with opportunity siting.

Commissioners expressed appreciation for the clarity and consistency of public input.

II. PLANNING COMMISSION DISCUSSION: OPPORTUNITY SITING

Mr. Duncan asked commissioners to report on efforts to contact their City Council buddies. Mr. Belcher, Mr. Lawless and Mr. Hledik indicated they had no contact.

Mr. Duncan reported that he had spoken to councilors David Kelly and Chris Pryor. He said that Mr. Pryor was studying the matter and wanted to be very sensitive to the issue of infill and understood the importance of growth management goals and addressing appropriate density. He said that Mr. Kelly indicated there needed to be a balance, was a strong supporter of opportunity siting but agreed there was a need for balance with appropriate infill. He said that Mr. Kelly wanted to see opportunity siting move forward and was interested in understanding how the population projections in the Region 2050 study could be achieved in terms of increased density. He said that both councilors wanted much more detailed information from the commission and staff.

Mr. Lawless noted that population or density projections were really just targets and he was troubled by being driven by artificial statistics instead of trying to achieve a desired outcome.

Mr. Duncan said that Mr. Kelly felt there should be a way to gauge the success of growth management.

Mr. Belcher observed that the City could not establish a limit on its population but needed to balance densification and protecting neighborhood quality.

Mr. Lawless said the greatest concern of neighborhoods was how population growth would be allocated across the City. He was hesitant to forward a recommendation to the City Council that did not include opportunities for densification outside of mixed use centers that occurred in consultation with neighborhoods and consistent with appropriate criteria.

Mr. Duncan said it was difficult to measure if the desired level of density based on growth projections was achievable in the community. He said the issue was how to spread density and the key was to determine if it could physically occur without substantial redevelopment. He asked if staff could develop data about whether density could actually happen on the ground.

Mr. Belcher said there had been no comprehensive look at how growth management policies could be achieved and there had not been successful efforts to date to either densify or protect the quality of existing neighborhoods. He said the direction from the council thus far was ambiguous and the commission should request clarification about where its efforts should be focused.

Mr. Lawless said he was not clear on how establishing infill standards would apply to areas that were currently zoned higher density and certain kinds of densities were allowed outright. He asked if standards would trump those outright allowed uses if they effectively reduced densities that were otherwise allowed under the current code and how that was reconciled with the potential of financial damage to property owners and developers. He speculated that one approach was infill standards that had some accommodation to allow for that type of density without a complete zone change, but that might not be physically possible within a form-based standard for infill. He said that could represent a fundamental conflict that could not be resolved.

Mr. Yeiter said that CAFHN had used a form-based model but there were other models in the community, such as historic districts and overlays that capped densities. He said there were a number of other tools that could be used to move development towards compatibility with the neighborhood and better meet growth management that had not yet been explored.

Mr. Belcher remarked that areas of the City with R-1 development density that had been rezoned to R-2 presented the greatest challenges and the CAFHN process and solution was one approach; another example was the Jefferson Westside refinement plan that allowed upzoning. He said those areas were in the greatest danger of inappropriate infill although the possibility existed throughout the City. He said addressing inappropriate infill might require zoning changes in some areas.

Mr. Lawless suggested identifying those areas most at risk for degradation and prioritize them for action along with identifying opportunity sites.

Mr. Duncan noted that some areas without R-2 zoning, such as River Road, were also at risk as a result of suburbanization.

Mr. Yeiter said a key task for the commission was defining what was compatible and that would be challenging because the nature of compatibility could be different from one neighborhood to another.

Mr. Lawless said that neighborhoods should be engaged early in the process to identify fundamental characteristics. He suggested developing a recommendation for staffing and funding

to identify what neighborhoods were at risk and should be the highest priority.

Mr. Belcher said it would be necessary to go through the process of determining the appropriate places for densification and for protection in order to determine if both sides of growth management goals could be achieved without expanding the urban growth boundary and if not, planning for that possibility.

Ms. Muir indicated that some groups had already expressed an interest in being one of the first opportunity sites and partnerships were being formed to discuss the possibility.

Mr. Duncan said Mr. Kelly had voiced a concern that the process of opportunity site be very flexible to avoid missing the potential of a site because it was not included on a list. He informed Mr. Kelly that the commission wanted neighborhood involvement in selecting sites that “pre-approved.”

Mr. Belcher related that the commission had previously discussion dividing opportunity siting into two options: a focused, specific analysis of individual areas and a more comprehensive analysis across the community. He noted there was a diversity of opinion on the matter among commissioners and asked how a proposal to the council could reflect that diversity. He suggested that commissioners could indicate their level of support for each of the menu items as well as have the opportunity to include written comments reflecting their concerns.

Ms. Muir encouraged the commission to work toward consensus in order to develop a full proposal for the council. She said the council would schedule a work session on the subject and the commission had two more meetings to reach consensus.

Mr. Yeiter distributed responses from Mr. Lawless, Mr. Belcher and Mr. Carroll to work program menu modifications he had developed as a result of the commission’s earlier discussions of opportunity siting.

Mr. Lawless said his interest was in streamlining the menu so that the fundamental issues were concise.

Mr. Hledik asked if the menu would include timelines and budgets, with the staffing requirements for each menu item identified. Ms. Muir replied that the Planning Division’s budget was based on FTEs to implement programs and that would be the focus on the estimated budget, rather than a specific dollar amount.

Mr. Hledik noted some councilors had indicated a willingness to fund an additional effort if it was consistent with council direction and wanted to assure that cost was clearly expressed. He asked if the two approaches to opportunity siting would allow the commission and staff to reach out to all neighborhoods for help in identifying initial opportunity sites and then pursue prospects based on that work.

Mr. Lawless said the comprehensive community-wide approach was intended to cast the broadest possible net to identify sites, including neighborhoods, real estate consultants, developers and requests for proposals.

Mr. Hledik commented that some NLC members were concerned that the commission was trying to identify every potential site in the comprehensive process.

Mr. Duncan clarified that there was some concern that if specific sites were identified and nothing happened there would be no examples of how opportunity siting could work or be improved.

Mr. Sullivan said the idea of identifying a limited number of sites related to ground truthing, whether the sites were viable, and testing the market feasibility of the opportunity site concept before engaging in a comprehensive study of sites across the City. He agreed there was some tension between those two approaches and concern that one approach could eclipse the other.

Mr. Duncan said he understood from Mr. Kelly that if all three interests, developer, neighborhood and the City, were working on a site there would be more willingness to regard it as an opportunity site instead of simply designating a site and hoping that something happened.

Mr. Belcher explained to the audience that the commission's work plan and City staffing were determined by the City Council. He said the commission was attempting to clarify the intent of three council motions and determine what priorities were attached to them by taking a proposal to the council with a request to establish priorities and allocate resources to complete the tasks. He said there was value in both the individual projects and comprehensive approach and the council should be given the option of selecting either one, along with information on the advantages and disadvantages of each.

Mr. Hledik said he was comfortable with a proposal that had the council selecting specific sites, but not with the Planning Commission or Planning Department recommending a specific site or neighborhood.

Mr. Belcher said it was important to clarify whether the commission was referring to lots or areas.

Mr. Duncan agreed that the commission should that in its recommendations. He was not in favor of defining a site so narrowly that it was restricted to a specific lot or lots.

Mr. Belcher reiterated that there was a diversity of opinions among councilors and it was important to present them with options.

Mr. Lawless favored exploring a methodology to discover, define and investigate potential opportunity sites. He said all interested parties should be included in discussions that resulted in a list of criteria for selecting sites.

Mr. Belcher suggested the commission should decide whether to use the term "site" or "study area." He felt "site" implied focused lots and "study area" was broader.

Following a discussion of Mr. Belcher's suggestion, Mr. Nystrom said the commission could recommend some level of flexibility in the definition to allow it to move forward.

Mr. Duncan agreed based on discussions with his council buddies that the commission should make recommendations and ask for clarification.

Mr. Belcher cautioned against identifying a site too specifically. He preferred a two-step process in which the neighborhood identified a site with some specificity but a developer could propose a nearby parcel for consideration.

Mr. Lawless said it should be clear that the intent of initial activity was to identify possible opportunity site candidates but that other sites that might emerge or be proposed by developers

would be considered within the same criteria.

Mr. Belcher suggested that the process also consider sites identified by staff that had willing developers and neighbors.

Mr. Hledik remarked that the NLC had strong interest in infill compatibility and should be as important a part of the menu as opportunity siting with clear details in terms of staff, timing and costs so that the council could provide direction as to whether the issues should be addressed concurrently or infill compatibility should be dealt with first. He did not feel that one issue had precedence over the other and it was preferable to consider both concurrently.

Mr. Duncan commented that Mr. Carroll was concerned that the menu as currently presented suggested that work on infill was a subset of opportunity siting and the commission was directed to work on opportunity siting only. He felt the commission needed to work on both issues as they were integrated and should not be addressed in isolation.

Mr. Nystrom said based on the council's motions staff understood that the concept of opportunity siting was to also deal with the issue of more sensitive infill; the strategy was not just to accommodate growth but do it in a way that was sensitive to neighborhoods. He said discussion at the council's December 14, 2005, meeting supported that concept and did not emphasize one issue over the other.

Mr. Belcher said that while opportunity siting and infill compatibility efforts moved forward they should be assessed in terms of how well they were meeting growth management goals and that would require identifying a potential population and measuring how they achieved that population increase.

Mr. Lawless observed that confusion arose during conversations about the possibility of not moving forward with neighborhood protection measures until after there was some level of assurance that opportunity siting would provide an appropriate level of increased density. He agreed that it was important to consider both issues concurrently and move forward rapidly.

Mr. Duncan expressed concern with making growth management work to recognize density with character. He agreed that infill and opportunity siting process should occur but there should be a methodology to measure their results against growth management policies and whether goals were achieved. He pointed out that the 19 growth management policies had not been used as measurement tools to report to the community and urged that they be applied to any efforts.

Mr. Hledik said that philosophically he agreed with the need for measurement but asked whether that task was expressed in the council motion or implied in the overall assignment.

Mr. Yeiter said in the broader sense the intent was to consider population projections but there was a level of analysis that could occur on each site or study area to determine impact on density. He understood that the commission did not want to push population projections.

Mr. Duncan related Mr. Kelly's interest in some type of measurement that would determine if the planned processes were achieving growth management goals.

Mr. Belcher said it would be helpful to determine the extent to which the number of allowable units in the neighborhood had been reduced by the CAHFN process, given the challenge in dealing with infill along alleys. He wanted to see those numbers in whatever processes moved

forward.

Mr. Duncan said it was important to understand that numbers were not neighborhood by neighborhood but should be regarded as a citywide goal.

Mr. Yeiter suggested that the issues could be presented as equal, side-by-side menus to avoid implying that compatibility standards were a subordinate piece of opportunity siting. He asked if comprehensive population should also be a separate issue.

Mr. Sullivan asked if the commission was interested in the carrying capacity within areas after a land use action had been taken or projection of potential capacity. He said the opportunity sites would have an exaggerated capacity for density and the adjoining neighborhoods a lessened capacity; that was all on a projection basis and not necessarily a measurement technique.

Mr. Duncan said the intent was to establish a more inclusive look at the impact of policies.

Mr. Sullivan said in retrospect the difference between where an opportunity site may have gone, in terms of density, and what it actually accomplished would be an interesting comparison over time. He said assumptions about what the market would be able to do could be compared to the actual response some years later, but unfortunately the necessary actions would have to be taken before it was known how the market responded.

Using the CAHFN example, Mr. Duncan said the commission's interest was in comparing the real potential for a certain amount of units in the neighborhood with the change that resulted from a land use action, which was probably a small change. He said the commission wanted to understand how small changes took place and the impact of opportunity siting.

Mr. Belcher said some acknowledgement in terms of metrics were necessary to establish whether there was movement towards growth management goals.

Mr. Lawless commented that the potential reduction of units because of infill compatibility standards was theoretical and the same was true of opportunity sites; the density number was theoretical. He said neither number was guaranteed to occur but both were projections of capacity potential.

Mr. Hledik noted that alternate path was not a part of any council motions related to the commission's particular task and suggested that item #5 on the menu be deleted. He suggested in terms of implementing opportunity siting, such as achieving consensus-based decision with early neighborhood involvement, it would require something besides the existing code and could involve a limited use of alternate path.

Mr. Duncan agreed with Mr. Hledik's suggestion. He asked if that was possible within the existing code. Mr. Nystrom replied it would be important to raise the issue with the council and demonstrate how alternative would fit into opportunity siting as an implementation strategy. The purpose of alternate path should be clearly defined.

Following a general discussion, Mr. Duncan determined there was consensus to regard alternative path as a potential tool to implement opportunity siting if necessary for a particular site.

Mr. Yeiter asked if infill compatibility standards should be presented to the council as either a citywide approach or identification of specific sites, similar to the format in which opportunity

siting would be presented, to provide a choice of tracks.

Mr. Duncan said it was important that infill and opportunity siting be clearly identified as separate, equal tasks.

Mr. Belcher saw advantages to each infill compatibility approach and the council could direct the commission to do both.

Ms. Muir announced that the city manager's proposed budget was available on the City's website. She distributed an excerpt and pointed out that the budget included addition of a mixed use center/opportunity siting planner and a small amount of one-time contract money for a total of \$150,000.

Mr. Yeiter reiterated that he would prepare information for the council that would set forth the full range of options for approaching both opportunity siting and infill compatibility standards so they could clarify direction to the commission.

Mr. Belcher said that additional clarification was also required on population forecasting, its purpose and how it could be accomplished.

III. ITEMS FROM COMMISSION AND STAFF

A. Other Items from Staff

There were no items from staff.

B. Other Items from Commission

Mr. Belcher reported that he attended the recent Jefferson Westside Neighbors meeting. He asked for a one-page briefing from staff on the modification of the Metro Plan diagram and requested it be shared with the association co-chairs. Ms. Muir said that paper was being prepared and she would make it available.

Mr. Duncan adjourned the Planning Commission meeting at 1:35 p.m.

(Recorded by Lynn Taylor)